UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/2000/SR.75
29 November 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-fourth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 75th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 24 November 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/2000/SR.75/Add.1.

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GE.00-46332 (E)

The meeting was called to order at 3.10 p.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3)

World Conference Against Racism (Information note on the preparations for the World Conference Against Racism (document without a reference number); HR/SANT/SEM.5/2000/BP.10)

1. The CHAIRPERSON invited Mr. Husbands, representative of the Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Office of the High Commissioner for Human Rights), to give an update on preparations for the World Conference.

2. Mr. HUSBANDS (Office of the High Commissioner for Human Rights), referring to the information note that had been circulated, said that there had been new developments with regard to the venue and other arrangements for the Conference. On 24 October 2000, the Government of South Africa had announced that the World Conference would be held at the International Convention Centre, Durban. The Executive Coordinator for the World Conference had visited South Africa from 6 to 9 November, and other members of the Conference administration team were now in South Africa.

3. The World Conference secretariat had recently completed a cycle of regional expert seminars on the following themes: remedies available for victims of racial discrimination (Geneva, February 2000 - a meeting attended by the Chairperson of the Committee); protection of minorities and other vulnerable groups and strengthening human rights capacity at the national level (Warsaw, July 2000); migrants and trafficking in persons with particular reference to women and children (Bangkok, September 2000); prevention of ethnic and racial conflicts (Addis Ababa, October 2000); and economic, social and legal measures to combat racism with particular reference to vulnerable groups (Santiago de Chile, October 2000, a seminar attended by Mr. Rattray).

4. The cycle of intergovernmental regional preparatory meetings was now under way. The first of those meetings had been the European Conference Against Racism, held in Strasbourg from 11 to 13 October 2000. Next would be a meeting in Santiago de Chile for the Americas region, at which the Committee was to be represented by Mr. Marchán Romero, after which there would be meetings for Africa in Dakar in January 2001 (attended by Mr. Grissa) and for Asia (Tehran, February 2001, to be attended by Mr. Sadi).

5. With regard to recent documentation, since the report issued after the first session of the Preparatory Committee (A/CONF.189/PC.1/L.2), three reports had been submitted to the General Assembly: first, the report of the Secretary-General, giving a factual overview of preparations to date and information regarding implementation of the Third Decade to Combat Racism and Racial Discrimination (A/55/285); secondly, the report of the Preparatory Committee (A/CONF.189/PC.1/21); and finally, the report of the Commission on Human Rights (A/55/307), which contained a substantial chapter on the World Conference. Four documents

had been issued as a result of the European Conference against Racism: a political declaration, general conclusions, a general report and a report by non-governmental organizations (NGOs). All of those documents were available on the Council of Europe Web site. A report on the Warsaw expert seminar had been issued (A/CONF.189/PC.2/2); and the conclusions and recommendations of the remaining seminars, which would be issued shortly, were currently available on the Web site of the High Commissioner.

6. NGO activities would consist of four Steering Committee meetings to determine participation in the forums due to take place prior to each of the four regional preparatory meetings, and subsequent networking meetings due to take place in five regions of the world.

7. With regard to public information and awareness-building, the High Commissioner had given interviews, issued statements and conducted meetings at the highest levels to update world leaders and the international community at large on the preparations for the World Conference. In addition, the World Conference secretariat intended to publish six bimonthly newsletters in the run up to the Conference, the first of which was due to come out on 11 December 2000 to coincide with Human Rights Day.

8. The World Conference was essentially funded from the voluntary contributions of Governments and foundations. The total budget would be in the region of US$ 10 million. The High Commissioner had appealed for US$ 4 million in 2000, and the figure would be US$ 6 million in 2001. A total of about US$ 5.6 million had been raised so far, US$ 1.8 million of which had come from foundations.

9. A number of meetings were scheduled to take place in Geneva. Informal consultations on the draft declaration and draft programme of action would take place on 15 and 16 January 2001, followed by an inter-sessional open-ended working group from 5 to 9 March, at which a draft would be presented to the Preparatory Committee. The second session of the Preparatory Committee, during which the draft programme would be reviewed and finalized, would be held from 21 May to 1 June. The World Conference itself was due to take place in Durban from 31 August to 7 September 2001.

10. The CHAIRPERSON, referring to her presentation of the Committee's General Comments on the right to education to the first meeting of the Preparatory Committee the previous May, said that only her introduction to those General Comments had been published. Since the contribution of the Committee included General Comments Nos. 11 and 13 as well as her introduction, she hoped that the submission would be published in its entirety. The Committee was in the process of updating its statement in order to present it to the second meeting of the Preparatory Committee. Unfortunately, there would not be time for the Committee to complete a general comment on non-discrimination with regard to article 2, paragraph 2 of the Covenant. The Sub-Commission on the Promotion and Protection of Human Rights had been requested to conduct a study on that issue, which was central to the enjoyment of economic, social and cultural rights; but that, too, would not be complete in time for the World Conference.

11. Mr. GRISSA asked for copies of the reports of the seminars mentioned by Mr. Husbands to be circulated to members of the Committee when they were eventually published.

12. Mr. MARCHÁN ROMERO expressed his thanks for the invitation to attend the intergovernmental meeting in Santiago, Chile, but regretted that he would be unable to participate, owing to prior engagements. The fact that he had received the invitation only the previous day meant that it was impossible for him to change his existing arrangements.

13. The CHAIRPERSON said that alternative arrangements would be made for the Committee to be represented at the meeting.

14. Mr. HUSBANDS (Office of the High Commissioner for Human Rights), said that copies of the seminar reports would be made available to the secretary of the Committee for distribution to members. With regard to the Chairperson's request for the publication of General Comments 11 and 13, he explained that since those documents already existed, they had been distributed as background documents in accordance with the usual procedure, rather than reissued in a different format. He would try to ascertain whether that procedure could exceptionally be altered. He apologised for the late dispatch of Mr. Marchán Romero's invitation; it was to be hoped that the Committee would nevertheless be represented at the meeting.

15. Mr. RATTRAY, presenting his paper on Effective Remedies for Racial Discrimination in the Region of Latin America and the Caribbean (HR/SANT/SEM.5/2000/BP.10), said he wished to share with the Committee his impressions of the Regional Seminar of Experts on Economic, Social and Legal Measures to Combat Racism with Particular Reference to Vulnerable Groups, which he had attended from 25 to 27 October 2000. It was evident that there was a growing awareness in the region of the importance of the forthcoming World Conference. Despite significant manifestations of racism in various forms, protests such as those witnessed in other regions had hitherto been relatively rare. Preparations for the World Conference were serving as a wake-up call in that regard. The Santiago seminar had been attended not only by at least 27 government delegations, but also by 19 NGOs, one of which, the Organization of Africans in the Americas, had been represented by no fewer than 60 delegates.

16. The social attitudes which prevailed in Latin America and the Caribbean arose from centuries of ingrained prejudice and stereotyping and were currently reflected in various overt as well as covert forms of racial discrimination. Discrimination was directed against a wide range of groups, including Roma, mulattos, Jews, indigenous peoples and migrant workers. In addition, the colonial history of the Caribbean had led to a phenomenon described in one paper presented at the seminar as "the whitening of the community", namely discrimination on the grounds of differing shades of skin colour.

17. The statistics provided by Governments indicated a marked tendency to deny the existence of racial discrimination in the region. Some Latin American countries had reported that they had no black community, a claim refuted by black representatives at the seminar who had described themselves as the invisible people of their countries.

18. There was undoubtedly a correlation between racial discrimination and social inequality. Since the victims of discrimination also tended to be the most disadvantaged groups in society,

the fight against discrimination had to go hand in hand with the fight against poverty and measures to ensure that all sections of the community enjoyed equal access to economic, social and cultural rights, in compliance with the Covenant.

19. A disturbing element of modern racism discussed at the seminar was its tendency to take on a more overt, public character, partly through the development of the Internet and as a result of globalization. Political parties which spread a doctrine of racial hatred were flourishing in many areas and often using the Internet to disseminate their ideas. It was essential to establish a code of conduct for the Internet and to criminalize its use as an instrument for the dissemination of racist ideas.

20. The media had an important role to play with regard to racism, in the Americas and elsewhere, because of the stereotyped images they presented of different races, especially in advertisements. Hence the need for a code of conduct in the media in order to avoid such stereotyping. In some countries, it had been observed that certain groups of society were not adequately represented within public institutions. Democratization of representation was thus called for. Another important aspect of the discussion related to discrimination against women and the discrimination levelled at black women on the twofold basis of sex and colour.

21. His paper had discussed the preventive and remedial measures that could be taken to combat racism - a challenge to modern society. There was a need for fundamental cultural change and, in order to devise effective remedies, it had to be recognized that the war against racism must be waged in people's minds. Consequently, fundamental change had to begin with education so as to cultivate tolerance, understanding and cross-culturalism and to combat racist ideologies. Cultural heritages with diverse backgrounds should be respected and the achievements and significant contributions of particular cultures recognized.

22. His paper also addressed the important relationship between racism and religion, citing the Jamaican example of Rastafarianism. The question of racism arose in that context because of the religion's identification with the late Emperor of Ethiopia, Haile Selassie, believed by Rastafarians to be the reincarnated Christ. The Jamaican courts had had to decide whether Rastafarianism was truly a religion and whether the prohibition of some of its sacraments, such as the smoking of cannabis, flouted the right to exercise one's religion. The courts had ruled that Rastafarianism was indeed a religion, but that it did not necessarily follow that practices which disrupted public order were, of themselves, in conformity with rules relating to religious rights. If, for instance, it was the practice of a certain religion to offer up human sacrifices, would it be admissible to maintain that prohibition of the practice violated the right to exercise one's religion?

23. In addition to preventive measures against racism, remedial measures also needed to be taken, which included nurturing a culture in which all human rights were respected, establishing educational and training programmes in schools and among law enforcement bodies and other institutions of justice, drafting model laws prohibiting racial discrimination, encouraging adherence to the Covenant and the International Convention on the Elimination of All Forms of Racial Discrimination, and ensuring reparation for breaches of such provisions. The question of the rehabilitation of perpetrators of racial discrimination had also been discussed.

24. Finally, although the meeting had not provided all the answers to racial problems, it had marked an important milestone in the preparations for the World Conference and provided an opportunity to confront a number of issues as well as raise awareness, with the aim of creating more tolerant societies.

25. Mrs. JIMÉNEZ BUTRAGUEÑO, expressing satisfaction with the presentation, said that while she was of course in favour of the promotion of respect for different cultures, human rights education also needed to be stressed. She cited the example of a particular culture in which one of a pair of newborn twins had been left to die because it was believed to have been conceived of an evil spirit. Human rights education should start from the family and school levels and be imparted to key groups of society such as the police and judges.

26. Mr. MARCHÁN ROMERO, referring to article 2, paragraph 2, of the Covenant, asked Mr. Rattray whether, judging from the discussions at the seminar, he believed importance should be attached to State provision of statistics relating to race or ethnic composition. The question of whether or not to request such data from States parties had been a source of concern for the Committee in the past. Recalling Mr. Grissa's earlier comment that it was State parties themselves that provided international organizations with statistics, he cautioned that statistics relating to race would have to be examined in the light of the importance a particular State attached to ethnic composition. In that connection, it had been reported that some ethnic groups present at the seminar had been vociferous about the absence of certain ethnic groups from government statistics or the misrepresentation of their true numbers.

27. Mr. GRISSA lamented the fact that people discriminated against others simply because they were different, and that those who were discriminated against in one context also discriminated against others in another context. It was in their actions, not their language, colour or education, that people truly differed from one another.

28. Mr. RATTRAY, replying to Mr. Grissa's comment, drew attention to the reference to article 1 of the Universal Declaration of Human Rights, which laid the foundation for non-discrimination, in the section of his paper entitled "Racism Repugnant to Humanity". In answer to Mr. Marchán Romero's question, he said that the problem of statistics had been highlighted at the Seminar; one ethnic group which did not appear in national statistics had even presented itself at the meeting as proof of its existence. It was clear that if figures on ethnic composition were to be given, it was essential to identify all ethnic groups. In the modern era of cross-culturalism, cultural groups should be identified with pride.

29. Mr. WIMER ZAMBRANO cautioned the Committee against injudicious use of the term "race", which had been discredited precisely because it had been employed pseudoscientifically in the nineteenth century to promote racism. Furthermore, it was more difficult, even ill-advised, to employ the term in a large and complex society than in a more restricted context. In Latin America in the sixteenth and seventeenth centuries, a handful of Spaniards had attempted to classify the population by race according to physical and mental capabilities. Those races had later been proved to be non-existent. It was preferable to refer to "ethnic groups".

30. The issue of statistics was a complicated one because, at some point in the history of certain post-colonial societies, it had been regarded as disparaging to speak of "indigenous" peoples or "Indians" (Indios); yet a recent survey had revealed that 60 per cent of Mexicans claimed to be indigenous because it was a mark of distinction in that mestizo society.

31. The CHAIRPERSON thanked Mr. Husbands and Mr. Rattray for their reports on the preparations for the World Conference against Racism and said she looked forward to the Committee's continued participation in the preparations for the Conference and in the Conference itself.

The public part of the meeting rose at 4.10 p.m.